

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, three public hearings will be held remotely on Friday, September 11, 2020, each at the respective time relative to the adoption of amendments to:

1. **11:00 a.m.: 101 CMR 417.00: Rates for Certain Elder Care Services.** M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), requires EOHHS to establish by regulation and biennially update rates to be paid by governmental units to providers of social service programs. In accordance with this requirement, the rates for certain elder care services are being updated to include an increase by a cost adjustment factor (CAF) of 2.40%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2020 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2020 Q4) and the prospective period calendar years 2021 and 2022. In addition to the CAF, a model budget and rate have been created for the central intake and assessment program and includes fixed costs and other expenses at the purchasers' recommendation. The model budgets for certain elder care services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, the salary for the direct care staff positions has been benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) wages for 2018 at the 50th percentile, the administrative allocation has been benchmarked to 12%, and the tax and fringe rate has been benchmarked to 22.40%.

This proposed amended regulation is planned to go into effect no sooner than January 1, 2021. There is no fiscal impact to cities and towns.

2. **11:30 a.m.: 101 CMR 418.00: Payments for Youth Short-Term Stabilization and Emergency Placement Services.** M.G.L. Chapter 118E, Section 13D, requires EOHHS to establish, by regulation, and biennially update rates to be paid by governmental units to providers of social service programs. In accordance with this requirement, the rates for youth short-term stabilization and emergency placement services, specific to staffing support and youth detoxification and stabilization program rates, are being updated to include an increase by a cost adjustment factor (CAF) of 2.61%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2020 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2020 Q3) and the prospective period (calendar year 2020 Q4 through calendar year 2022 Q3). The rates for the support staffing and the youth stabilization residential services found within youth intermediate-term stabilization services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. Furthermore, as part of the workforce initiative, all staff salaries, with the exception of the program management position, have been benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) wages for 2017/2018 at the 50th percentile. The program management salary has been benchmarked to co-occurring enhanced residential rehabilitation services in 101 CMR 346.00. Furthermore, the tax and fringe rate has been benchmarked to 22.40% and the administrative allocation has been benchmarked to 12%. Lastly, the youth detoxification and stabilization program rate has been updated to meet the expectations of a 12-bed capacity



program. The rate for the 24-bed capacity youth detoxification and stabilization program is being removed from this regulation as it is no longer being purchased.

This proposed amended regulation is planned to go into effect no sooner than October 1, 2020. There is no fiscal impact to cities and towns.

- 3. 1:00 p.m.: 101 CMR 413.00: Payments for Youth Intermediate-term Stabilization Services.** M.G.L. Chapter 118E, Section 13D, requires EOHHS to establish and biennially update rates to be paid by governmental units to providers of social service programs. In accordance with this requirement, the rates for youth intermediate-term stabilization services, specific to the former “Caring Together” services are being redesigned and updated and include an increase by a cost adjustment factor (CAF) of 0.38%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2020 Forecast, optimistic scenario data. The CAF reflects the period between the rates’ base period (FY2022 Quarter 4) and the prospective period (July 1, 2021, through June 30, 2023). These congregate care rates more clearly define the programs desired for purchase by DCF and DMH and include additional clinical care and more comprehensive staffing supports applicable to the service(s).

This proposed amended regulation is planned to go into effect no sooner than July 1, 2021. There is no fiscal impact to cities and towns.

Due to the coronavirus emergency, EOHHS is holding this public hearing remotely on the date and time specified above. To join the remote hearing online, go to <https://statema.webex.com>, and enter meeting ID 644 151 469. To join the remote hearing by phone, call (866) 692-3580, and enter meeting ID 644 151 469# when prompted. As an alternative to attending the remote hearing, you can view an unofficial live written recording of the hearing in progress provided by the Communication Access Realtime Transcription (CART) service at <https://hricart.1capapp.com/event/eohhs>.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify EOHHS of their intention to testify at the hearing by registering online at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. Individuals may also submit written testimony by emailing ehs-regulations@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender’s full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony must be submitted by 12:00 p.m. on Friday, September 18, 2020.

All persons desiring to review the current draft of the proposed actions may go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download related supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@state.ma.us or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

August 21, 2020